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 2 Superior Court of California, County of San Diego  
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 9 of California, County of San Diego

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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

11 RAYMOND ROBINSON,

12 Plaintiff,

13 v.

14 DAVID RUBIN AND BRIAN  
 15 CORNELL,

16 Defendants.

17 } Case No. 08-CV-0244 W (BLM)  
 18 } DECLARATION IN SUPPORT OF  
 19 } REQUEST FOR JUDICIAL NOTICE  
 20 } ON DEFENDANT JUDGE RUBIN'S  
 21 } MOTION TO DISMISS THE  
 22 } COMPLAINT WITH PREJUDICE  
 23 } [No Oral Argument Pursuant to Civil  
 24 } Local Rule 7.1(d.1)]  
 25 } Date : April 1, 2008  
 26 } Time : 10:30 a.m.  
 27 } Crtrm : 7 (3rd Floor)  
 28 } Judge : The Hon. Thomas J. Whelan

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21       1. I am a licensed attorney employed by the Superior Court of  
 22 California, County of San Diego ("California Court"). I am licensed to practice  
 23 law in the State of California and have also been admitted to practice before the  
 24 Courts of Appeals for the Ninth and the Federal Circuits, and before the Southern,  
 25 Central and Eastern Districts of California. I have personal knowledge of the  
 26 matters stated herein and if called as a witness, I would competently testify thereto.

27       2. Attached to the Request for Judicial Notice as Exhibit A is a true and  
 28 correct copy of the following document: Engrossed Settled Statement on Appeal

filed July 14, 2007, in *People of the State of California v. Raymond Robinson*, California Court Case No. Y337174, Appellate Division No. CA206475;

3. Attached to the Request for Judicial Notice is a true and correct copy of Exhibit B: Appellant's Opening Brief on Appeal signed September 11, 2007, in *People of the State of California v. Raymond Robinson*, California Court Case No. Y337174, Appellate Division No. CA206475;

4. Attached to the Request for Judicial Notice is a true and correct copy of Exhibit C: Respondent's Brief on Appeal filed September 28, 2007, in *People of the State of California v. Raymond Robinson*, California Court Case No. Y337174, Appellate Division No. CA206475;

5. Attached to the Request for Judicial Notice is a true and correct copy of Exhibit D: Order dated January 18, 2008, in *People of the State of California v. Raymond Robinson*, California Court Case No. Y337174, Appellate Division No. CA206475;

6. Attached to the Request for Judicial Notice is a true and correct copy of Exhibit E: Remittitur filed February 5, 2008, in *People of the State of California v. Raymond Robinson*, California Court Case No. Y337174, Appellate Division No. CA206475;

7. Attached to the Request for Judicial Notice is a true and correct copy of Exhibit F: Complaint filed February 7, 2008, in *Raymond Robinson v. David Rubin and Brian Cornell*, U.S. Dist. Ct., So Dist. Cal., 08-CV-0244 W (BLM).

I declare under penalty of perjury that the foregoing is true and correct.  
Executed this 28th day of February 2008, in San Diego, California.

s/ Cheryl L. Brierton  
CHERYL L. BRIERTON, Litigation Attorney